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7 Attorney for Defendant
GERALD ARMSTRONG
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10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 IN AND FOR THE COUNTY OF LOS ANGELES
12

13 CHURCH OF SCIENTOLOGY)
14 INTERNATIONAL, a California)
not-for-profit religious)
15 corporation;)
16 Plaintiffs,)
17 vs.)
18 GERALD ARMSTRONG; DOES 1)
through 25, inclusive,)
19 Defendants.)

No. BC 052395

DECLARATION OF FORD GREENE
IN SUPPORT OF EX PARTE
APPLICATION FOR STAY OF
PROCEEDINGS IN TRIAL COURT

Date: March 17, 1993
Time: 8:30 a.m.
Dept: 30

Motion Cut Off: April 5, 1993
Discovery Cut Off: 4/5/93
Trial Date: May 3, 1993

21 FORD GREENE declares:
22

23 1. I am an attorney licensed to practice law in the Courts
24 of the State of California and am the attorney of record for
25 Gerald Armstrong, defendant herein.

26 2. On March 16, 1993, at approximately 11:45 a.m. I
27 provided notice that the instant ex parte application would be
28 brought by transmitting a letter by telephonic fax to Mr. Wilson

ORIGINAL

1 and Ms. Bartilson. A true and correct copy of said letter is
2 attached hereto as Exhibit A. During the mid-afternoon hours of
3 March 16, 1993, I received a telephone call from defense counsel
4 Andrew H. Wilson. Mr. Wilson advised me that he had received
5 notice of this ex parte application and that his co-counsel, Ms.
6 Bartilson, would be present to oppose it. He further requested
7 that I telecopy our papers to both Ms. Bartilson and him as soon
8 as they were prepared. On March 16, 1993, I served both Mr.
9 Wilson and Ms. Bartilson by fax with a true and correct copy of
10 the herein ex parte application.

11 3. On March 5, 1993, I was present in Department 86 of the
12 above-entitled Court, the Honorable Diane Wayne presiding, in
13 order to litigate an Order to Show Cause re Contempt that
14 Scientology had obtained against Mr. Armstrong. At that time and
15 place Judge Wayne addressed us from the bench. She stated that
16 when she first read Judge Sohigian's order that it seemed clear to
17 her, but that when she read the transcript of his comments during
18 the hearing on Scientology's motion for a preliminary injunction
19 which preceded the issuance of the order, the order was not at all
20 clear. Judge Wayne stated that she was not convinced that Judge
21 Sohigian's injunction was a valid order and she had a serious
22 question as to its legality. She stated that she felt that it
23 would be a waste of time of the Court and counsel to litigate the
24 contempt proceeding while the same issues tendered in Mr.
25 Armstrong's defense were before the Court of Appeal. Thus, Judge
26 Wayne decided that she would continue the contempt proceedings
27 until June 1, 1993, with the expectation that by such time the
28 Court of Appeal would have ruled on Mr. Armstrong's appeal of the

1 preliminary injunction and resolved the question of the legality
2 of the injunction.

3 4. I am plaintiff's counsel in the case entitled, Aznaran
4 v. Church of Scientology of California, et al, US District Court,
5 Central District of California, Case No. CV-88-1786-JMI(Ex).
6 Prior to the issuance of the injunction in this case, Mr.
7 Armstrong worked on all matters I assigned to him in relation to
8 the case. After the issuance of the injunction, Mr. Armstrong is
9 no longer free to do so. Prior to the issuance of the injunction
10 herein, Mr. Armstrong executed declarations for private plaintiff
11 litigants. After the issuance of the injunction, he no longer
12 does so. The injunction impinges upon Mr. Armstrong's free speech
13 rights causing him to chill the expression thereof.

14 5. Scientology has noticed the deposition of Tillie Good,
15 an ex-Scientologist and my client. Scientology has also expressed
16 its intention to take the depositions of my clients, Denise Cantin
17 and Ed Roberts, both of whom are ex-Scientologists. Attached
18 hereto as further exhibits are true and correct copies of the
19 following documents with their corresponding exhibit designations:

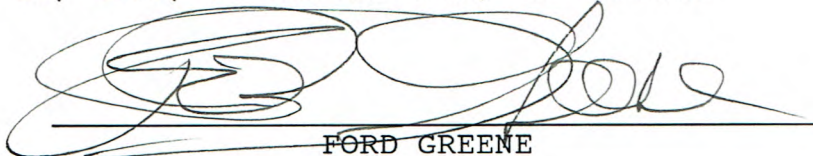
20 I am informed and believe and allege thereon that the purpose
21 of these depositions is to harass my clients and me for litigating
22 against Scientology and that if the Court of Appeal finds the
23 underlying contract illegal, there will be no colorable basis for
24 such depositions to take place in this action.

25 6. I am aware that a facsimile copy of this declaration
26 will be submitted to the Court and I authorize the same to occur
27 as if it were the original certified by my original signature.

28 Under penalty of perjury pursuant to the laws of the State of

1 California I hereby declare that the foregoing is true and correct
2 according to my first-hand knowledge, except those matters stated
3 to be on information and belief, and as to those matters, I
4 believe them to be true.

5 Executed on March 16, 1993, at San Anselmo, California

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7 _____
8 FORD GREENE

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FORD GREENE
LAWYER

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FACSIMILE (415) 456-5318

March 16, 1993

Laurie J. Bartilson
BOWLES & MOXON
6255 Sunset Boulevard, Suite 2000
Los Angeles, California 90028

By Telecopier
213-662-6419

RE: *Church of Scientology International v. Armstrong*
Los Angeles Superior Court
Case No. BC 052 395

Dear Ms. Bartilson:

Please be advised that on behalf of Mr. Armstrong an ex parte application will be made on March 17, 1993 at 8:30 a.m. in Department 30. The purpose of the ex parte application will be to seek a stay of all proceedings until the court of appeal rules on the legality of the contract. The underlying reasons will be set forth fully in the moving papers.

Sincerely,



FORD GREENE

:acg

cc: Paul Morantz
Andrew H. Wilson

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